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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,793	01/31/2005	Koichi Kinoshita	040894-7172	4671
9629 7590 12/31/2007 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			EXAMINER KING, BRADLEY T	
			ART UNIT 3683	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,793

Applicant(s)

KINOSHITA ET AL.

Examiner

Bradley T. King

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 4,7,15,17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8-14,16 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-6, 9-10, 13-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (US# 5975252) in view of Matsumoto et al (US# 6116384).

Suzuki et al disclose a brake including; a support member 2 fixed to a vehicle body and disposed adjacent to a rotor which rotates together with a wheel; a pair of pads 10 and 15 supported by the support member on both sides of the rotor slidably in an axial direction thereof; a caliper 5 supported displaceably in the axial direction of the

rotor, the caliper being supported by a plurality of guide holes provided in the support member and a plurality of guide pins 8 respectively fitted in the guide holes; a claw portion 5c provided on one side of a bridge portion 5b of the caliper, the bridge portion straddling the rotor; and a piston 9 provided on another side thereof, wherein the pair of pads are pressed against both side surfaces of the rotor in consequence of the extension of the piston so as to effect braking, pressed-side shim plates 14 and 17 are respectively retained by those surfaces of back plates of the pair of pads which are located away from a rotor side, pressing-side shim plates 13 and 18 are respectively retained by pressing sides of the claw portion and the piston, and each of the pressed-side shim plates and each of the pressing-side shim plates are slidably abutted against each other. Suzuki lacks the disclosure of the pressed-side shim plates being fixed to the retaining surfaces. Matsumoto discloses a similar brake arrangement and further teaches the use of claws to retain pressed-side shim plates. It would have been obvious to one of ordinary skill in the art at the time the invention was made to fix the press-side plates of Suzuki et al, as taught by Matsumoto, to ensure proper brake release without excessive play.

Regarding claims 2 and 10, note lower pin in figure 2 has a series of alternating first and second diameters at its end.

Regarding claims 5 and 13, the shapes are trapezoids.

Regarding claims 6 and 14, the shapes are integral.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (US# 5975252) and Matsumoto et al (US# 6116384), as applied to claim 1 above, in further view of Tribuzio et al (US# 5562187).

Suzuki et al and Matsumoto et al discloses all the limitations of the instant claims with exception to the disclosure of two pins having enlarged diameters at intermediary portions. Tribuzio et al discloses a similar brake caliper and further teaches the use of pins having enlarged diameters to provide elasticity. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize pins such as taught by Tribuzio et al in the brake of Suzuki et al to provide elasticity to the pin assembly, thereby reducing stresses to potential damage to the guide pins.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (US# 5975252) and Matsumoto et al (US# 6116384), as applied to claim 1 above, in further view of JP 1-224530.

Suzuki et al and Matsumoto disclose all the limitations of the instant claims with exception to the disclosure of elastic rings on each side of the guide pin. JP 1-224530 discloses a similar brake and further teaches rings to reduce torque fluctuations and vibrations. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize rings at the ends of the guide pins of Suzuki et al as taught by JP 1-224530 to reduce torque fluctuations and vibrations, thereby reducing noise and increasing user comfort.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Handwritten signature of Bradley T King and the date 12/22/07.

Bradley T King
Primary Examiner
Art Unit 3683

BTK